

Notice of Allowability

Application No.

10/501,667

Examiner

Lorna M. Douyon

Applicant(s)

BLAGG ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated March 28, 2007.
2. ☒ The allowed claim(s) is/are 2-11,16,19-21,23,25,26,28,29,32 and 35.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT of and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

/Lorna M. Douyon/
Primary Examiner
Art Unit 1751

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew N. Parfomak on June 6, 2007.

2. The application has been amended as follows:

2.1. Claims 1, 12, 13, 14, 15, 17, 18, 22, 24, 27, 30, 31, 33 and 34 have been cancelled without prejudice to their continued prosecution in a continuation application.

2.2. In claim 2, line 1, "claim 1" has been replaced with --claim 19--.

2.3. In claim 4, line 1, "claim 1" has been replaced with --claim 19--.

2.4. In claim 6, line 1, "claim 1" has been replaced with --claim 19--.

2.5. In claim 7, line 1, "claim 1" has been replaced with --claim 19--.

2.6. In claim 8:

a) line 1, "claim 1" has been replaced with --claim 19--;

b) lines 2-3, the phrase "of the elevated pH to the lowered pH" has been deleted.

2.7. In claim 9, line 1, "claim 1" has been replaced with --claim 19--.

2.8. In claim 10, line 1, "claim 1" has been replaced with --claim 19--.

2.9. In claim 11, line 1, "claim 1" has been replaced with --claim 19--.

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2.10. In claim 16, line 1, "claim 1" has been replaced with --claim 21--.

2.11. Claim 19 has been amended as follows:

--19. (Currently Amended) A dilutable cleaning composition comprising a pH-elevating component and a pH-lowering component, [the composition being such that when it is mixed with water] the pH-elevating component dissolves or [dispersed] disperses in [the] water to form a mixture and the pH of the [water] mixture is elevated to at least 8.5 and subsequently the pH-lowering component dissolves or disperses in the [water] mixture and the pH of the [water] mixture is lowered [form] from at least 8.5 to not more than 4, wherein the composition is provided as a dispersion or suspension of a particulate component in a liquid carrier, and wherein the composition comprises a surfactant, an oxidizing agent and a reducing agent.--

(support is found on page 3, lines 12-13; page 9, lines 20-25).

2.12. In claim 23, line 1, "claim 1" has been replaced with --claim 19--.

2.13. In claim 25:

a) line 1, "claim 1" has been replaced with --claim 19--.

b) line 2, --composition-- has been added after "antimicrobial".

2.14. In claim 26:

a) line 1, "claim 25" has been replaced with --claim 19--;

b) line 2 "the" before "antimicrobial" has been replaced with --an--;

c) line 3, "water" has been replaced with --mixture--.

2.15. In claim 28:

a) line 1, "claim 27" has been replaced with --claim 25--;

b) line 2, the phrase "chemical is" has been replaced with --composition comprises--.

2.16. In claim 29:

a) line 1, "DCC" has been replaced with --dilutable cleaning composition--;

b) line 1, "claim 1" has been replaced with --claim 19--.

2.17. In claim 32, line 1, "claim 29." has been replaced with --claim 29,--.

2.18. In claim 35, line 2, "claim 1" has been replaced with --claim 19--.

STATEMENT OF REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The claims in their present amended forms have overcome the prior art of record, including the newly found art to Lange (US Patent No. 5,132,107), because none of them teaches, discloses or suggests a dilutable cleaning composition comprising the specific ingredients as those recited. In the previous office action, independent claim 19 was indicated to be allowable because Bennie, the closest prior art of record, teaches a multi-phase tablet, and there is seen no motivation, direction or guidance to prepare this composition in the form as required in the present claims, i.e., a dispersion or suspension of a particulate component in a liquid carrier. Lange, a newly found art, teaches a two-phase shampoo, wherein the first phase has an alkaline pH (i.e., pH between 7.5 and 8.5) and the second phase, which is separated from the first phase (see abstract; col. 3, lines 57-62) has an acidic pH like pH 3-6 (see col. 5. lines 34-35). The two phases are used consecutively and almost directly after the cleansing

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treatment and water rinsing (see col. 6, lines 19-28; col. 7, lines 26-27). The shampoo also does not contain a reducing agent. Inasmuch as there is seen no motivation, direction or guidance to arrive at the cleaning composition comprising the specific ingredients as those recited, the present claims are found to be allowable.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M. Douyon/
Primary Examiner
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